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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,699	02/29/2000	Cameron Shea Miner	AM9-99-0227	1342

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EXAMINER

WON, YOUNG N

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/515,699

Applicant(s)

MINER, CAMERON SHEA

Examiner

Young N Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 39-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4 & 5. 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 and 39-46 have been examined.
2. Claims 21-38 have been cancelled.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig.4, #482. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5, 6, 9-14, 16, 19, 20, 39, 40, 42, 45, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al. (US 5911139 A).

As per claims 1, 13, and 39, Jain teaches of a system and a method (see abstract) for automatically (see col.14, lines 40-42 and col.30, lines 9-12) associating contextual input data with available multimedia resources, comprising (see col.2, line 53 to col.3, line 7 and col.3, lines 30-32): a contextual input device or means for capturing the contextual input data (see Fig.1A, #106, #108, & #110; and col.3, line 67 to col.4, line 8); an assistant device or means for processing the contextual input data captured by the contextual input device, and for formulating a query based on processed contextual input data (see Fig.1A, #122; col.6, lines 21-25; and col.9, lines 43-46); and a contextual multimedia association module or means for associating the processed contextual input data with the multimedia resources and for generating association matches (see Fig.1A, #124; and col.9, lines 54-67).

As per claim 2, 3, 14, and 40, Jain teaches wherein the assistant device automatically formulates (see col.30, lines 9-12) the query (see col.9, lines 43-46)

based on a contextual input from a user (see col.2, lines 60-65; col.2, line 67 to col.3, line 2; and col.3, lines 24-32).

As per claim 5, Jain further teaches wherein the contextual input device digitizes the contextual input data (see col.12, lines 21-32).

As per claim 6, 16, and 42, Jain further teaches wherein the assistant device presents the association matches to a user (see col.3, lines 32-38 and col.11, lines 30-46).

As per claims 9, 19, and 45, Jain further teaches wherein the contextual multimedia association applies the query to a data store on a network (see Fig.1A, #132 and col.9, lines 43-46).

As per claim 10, Jain further teaches wherein the network includes the World Wide Web (see col.9, lines 24-26).

As per claim 11, Jain further teaches wherein the contextual input data are based on image signals; and wherein the assistant device enhances the quality of the image signals (see col.2, lines 53-65 and col.12, lines 21-35).

As per claim 12, Jain further teaches wherein the contextual input data are based on audio signals; and wherein the assistant device enhances the quality of the audio signals (see col.13, lines 49-51).

As per claims 20 and 46, Jain further teaches wherein the contextual input data are based on any one or more of image signals or audio signals; and wherein processing the contextual input data includes enhancing the quality of the any one or more of image signals or audio signals (see claim 11 and 12 rejection above).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 15, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US 5911139 A) in view of Polnerow et al. (US 5813006 A). Jain teaches all the limitations of claim 4, 15, and 41 except wherein the assistant device automatically formulates the query based on a user profile. Polnerow teaches of searching based on user profile (see col.10, lines 53-54). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Polnerow within the system of Jain by automatically searching database for information based on user profile within the contextual input data and multimedia data system associating system and method because, Jain teaches that there needs to be an efficient way for performing comparison by reducing time (see col.3, lines 55-58), thus by allowing a search to be performed automatically based on data stored in the users profile database by allowing the search to be performed when the server does not experience high data request and download rates, would dramatically reduce time.

6. Claims 7, 8, 17, 18, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US 5911139 A) in view of Bull et al. (US 5901287 A).

As per claims 7, 17, and 43, Jain teaches all the limitations except wherein the assistant device develops a digital profile for a user based on association matches, which was previously presented to the user. Bull teaches of developing a user profile (see col.7, lines 53-57). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bull within the system of Jain by developing a user profile within the contextual input data and multimedia data system associating system and method because, this would keep track of the potential future user as well as keep track of the user's preferences for future search "primitives" to speed up the processing time.

As per claims 8, 18, and 43, Jain does not teach wherein the assistant device updates the user digital profile based on recent association matches. Bull teaches of updating the user digital profile based on recent association matches (see col.8, line 65 to col.9, line 2 and col.12, lines 2-4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bull within the system of Jain by updating user profile within the contextual input data and multimedia data system associating system and method because, this would keep track of the potential future user as well as keep track of the user's preferences for future search "primitives" to speed up the processing time.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won



January 2, 2003



AYAZ SHEIKH  
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